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REMARKS

Applicants' attorney notes with appreciation the allowance of claims 7 and 9 and the indication of allowable subject matter included in claim 16.

Several paragraphs of the specification have been amended in minor respects to insert missing words or to maintain consistency of terminology. Additionally, independent claims 1, 4, and 10 have each been amended for clarification purposes.

Claims 1, 3 through 6, 10 through 15, and 17 were rejected as obvious based upon the Merkel et al. '894 and Greenlee '198 references. The examiner referred to several structural elements shown in Figure 2 of the Merkel et al. reference as corresponding with elements recited in the claims. In that regard, although in the Action several elements of the Merkel et al. reference were referred to as shafts, the reference itself identifies them otherwise. Specifically, element 44 is a drive hub, element 46 is a first driven member, element 64 is a second driven member, element 82 is a flange, and element 84 is a flywheel. Additionally, elements 60 and 80 of the Merkel et al. reference were referred to in the Action as piston cylinders, whereas the reference identifies them as first and second clutch pistons, respectively.

Although the Merkel et al. reference discloses various components of a double clutch structure that is operated hydraulically, it does not disclose a structure as claimed in the present application. More particularly, Merkel et al. does not disclose or suggest a first piston/cylinder unit for actuating a first clutch, wherein the first piston/cylinder unit includes a substantially cup-shaped cylinder

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that includes a first working chamber and that is non-rotatably but axially movably connected with a first shaft, and wherein the first shaft includes a throughbore that communicates with the first working chamber, as recited in claim 1.

The Greenlee reference was cited against claim 1 in combination with the Merkel et al. reference for allegedly rendering obvious a double clutch that includes a shaft having a throughbore. However, the Greenlee reference relates to an entirely different clutch structure. It also does not disclose a substantially cup-shaped cylinder non-rotatably and axially-movably connected with a first input shaft of a transmission and bounding a first working chamber, nor does it disclose a throughbore in the first shaft that communicates with such a first working chamber. Instead, as shown in Figure 1 of the Greenlee reference, cylinder 61 associated with the left side clutch is defined between casing 20 and piston 41. But casing 20 is axially fixed and is directly connected with driving shaft 12 – it is not non-rotatably and axially-movably connected with either of output shafts 14 or 57. Piston 41 is axially movable between peripheral fluid storage chamber 24 and a shoulder carried by driving shaft 12 – it also is not non-rotatably and axially-movably connected with either of output shafts 14 or 57.

Similarly, cylinder 64 is defined between piston 42 and the unnumbered radial arm that outwardly terminates in the structure defining chamber 24. But neither that radial arm nor piston 42 is non-rotatably and axially-movably connected with either of output shafts 14 or 57. Consequently, as was the case with the Merkel et al. reference, the Greenlee reference also

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does not disclose or suggest a substantially cup-shaped cylinder that is non-rotatably and axially-movably connected with a transmission input shaft. And because that structural arrangement is recited in each of independent claims 1, 4, and 10, regardless of whether those references be considered alone or together, they do not disclose or even suggest the invention as it is claimed in those independent claims.

In addition to the references individually not showing or suggesting the invention as claimed, the references also contain no suggestion or motivation for one of only ordinary skill in the art to combine them as the examiner has done. It is not enough that disclosures could theoretically be combined in some way. A mere possibility of combination does not by itself make obvious a particular combination of particular elements disclosed in the references. In that regard, all inventions are combinations of old elements. But to be properly combinable the references must suggest the claimed combination itself, not merely disclose individual elements or components that make up the combination, because it is the specific combination of particular elements in a particular way, and not the mere existence of those elements, that must suggest the invention.

As noted above, neither of the references relied upon by the examiner teaches the invention as claimed. Moreover, the references do not contain any hint as to just how they could be combined to arrive at the present invention as claimed. In that regard, it is not apparent from the references which features of which reference are to be combined with which features of the other reference, and which features of which reference are to be ignored to arrive at a

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particular combination of features. Accordingly, the only motivation for combining the references in the manner the examiner has done is the disclosure of the present application. But it is an improper basis for rejection to use as a road map or as a template a disclosure made by an inventor, in order to aid in picking and choosing particular parts of particular references that allegedly can be combined in an effort to claim to render obvious that structural arrangement that only the inventor has taught. Thus, the invention as claimed in independent claims 1, 4, and 10 is directed to an invention that would not be obvious to one of ordinary skill in the art, based upon the disclosures contained in the references relied upon.

Claims 3, 5, 6, and 11 through 17 each depend from claim 1, either directly or indirectly, and therefore each of those claims is similarly patentably distinguishable over the references relied upon and for the same reasons as are given above in connection with claim 1. Additionally, each of those dependent claims contains additional recitations that further patentably distinguish the claimed combinations of elements over the disclosures of the references relied upon.

Further with respect to claim 4, in addition to not disclosing or suggesting a substantially cup-shaped cylinder that is non-rotatably and axially-movably connected with a first shaft, the references also do not disclose such a cylinder operatively connected with inner radial disks of a first clutch by a cylinder coupling element.

Further with respect to claim 10, and in addition to not disclosing or suggesting a substantially cup-shaped cylinder that is non-rotatably and axially-movably connected with a first shaft, the references also do not disclose or

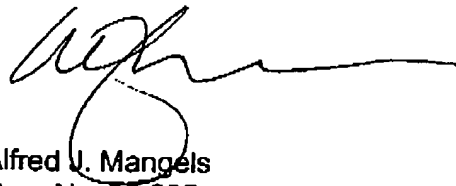
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suggest a second piston/cylinder unit including a displaceable piston that includes a bearing device for coupling the second clutch with a clutch actuation element.

Based upon the foregoing amendments and remarks, all the claims as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the disclosures contained in the references that were cited and relied upon by the examiner, whether those references be considered in the context of 35 U.S.C. § 102 or of 35 U.S.C. § 103. Reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,



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